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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,660

07/28/2003

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LUCW:0003

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48671 7590 11/30/2010
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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

11/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/628,660</p>	<p>Applicant(s) RAGHAVAN ET AL.</p>	
	<p>Examiner OLUMIDE T. AJIBADE-AKONAI</p>	<p>Art Unit 2617</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22, 24 and 25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claims 1 and 20, the applicants' representative asserts that Scheinert and Hameleers fail to teach communication between a base station and an access network unit "independent of a dedicated connection". Specifically, the applicants' representative asserts that Hameleers never discloses that the device protocol connection between base transceiver 8 and base station controller 14 is not a "dedicated connection". The examiner respectfully disagrees with the applicants' representative that the device protocol connection 13 between base station 8 and base station controller 14 is not undedicated. Hameleers (see Figure 1) shows a signaling connection between the base station 8 and base station controller 14. The signalling connection 13 disclosed clearly "does not show" a "dedicated connection" between the base station 8 and base station controller 14 (see col. 3, lines 25-32 and col. 4, lines 1-8 showing signaling connection between BTS 8 and BSC 14). Hameleers further discloses a signaling gateway 21, for a signaling connection between the BTS 8 and MSC 16 and BSC 14. The signalling gateway 21 is a SS7 gateway with an interface for connecting the signalling from BTS 8 to MSC and BSC 14 (see col. 5, lines 4-12). In this case there is a "dedicated connection". However, this connection is clearly separate from the connection 13 between the BTS 8 and BSC 14 in which the SS7 gateway or any other interface is absent. For this reasons, the examiner maintains that the connection between the BTS 8 and BSC 14 is "independent of a dedicated connection", as claimed by the applicants.

The applicants' representative asserts that Scheinert fails to disclose the claimed base station because schienert discloses a conventional base station 22, and an unconventional base station, iBS 42. The examiner respectfully disagrees with the applicants' arguments. The applicants' seem to be arguing that the iBS is not a base station because Scheinert discloses a typical or conventional base station 22. However, Scheinert clearly that iBS 42 is an "Internet base station" (see fig. 4, col. 4, lines 29-36), and the Internet base station 42 also performs every other function of the applicants' claimed limitation as recited in claim 17. The applicants' representative argues that the base station 22 and iBS 42 disclosed in Scheinert are distinct elements, and that in its entirety, the claimed base station will read on Scheinert's base station 22, and not the iBS 42. This is a spurious argument because the base station 22 discloses in Scheinert and the applicants' claimed base station perform their functions differently. However, iBS 42 and the claimed base station perform the exact same function - "communicating over an air interface with portable communication devices" (IBS 42 communicating with handset 24, col. 5, lines 4-7, 16-17, 49-57, col. 6, lines 54-67) and "facilitating communication of information over an undedicated public network(Internet, see figs. 4 and 5, col. 5, lines 4-7) between a base station and base station controller" (IBSC 48 receiving information from IBS 42 over the IP network and managing the IBS 42, see col. 4, lines 55-63, col. 5, lines 4-15). Therefore, the examiner maintains the Internet base station 42 of Scheinert is equivalent to the applicants' claimed "base station", and the iBS communicates over an "undecidacted public network" as claimed by the applicants' (which is the Internet, as disclosed in the applicants' specification in page 8, lines 21-22).

Claim rejection for amended claim 22:

Regarding claim 22 as applied to claim 1, Scheinert further discloses the base station, wherein the base station is assigned an IP address to facilitate communications with the access network unit over the undedicated public network (IBS 42 with a communication interface for communicating with IBSC 48 via Internet 47, using an IP address, indicating at least a protocol layer in the IBS 42 that uses an IP address for communication via the Internet links with the IBSC 48, see figs. 4 and 5, col. 4, lines 55-63, col. 5, lines 4-7, col. 8, lines 16-20).